
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

NICKOLAS WOLFFORD,

Plaintiff,

versus

MELISSA ELLIOTT, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-48

**ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Nickolas Wolfford, a prisoner previously confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Melissa Elliott, Paul Reilley, Julie Smitherman, Kenzie Watkins, and Nita Neyland.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting Defendants' motion to dismiss, except with respect to the claims against Defendants Julie Smitherman and Kenzie Watkins.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Both parties filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the Court concludes that the objections lack merit.

ORDER

Accordingly, the parties' objections (#124 and #125) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#123) is **ADOPTED**. Defendants' motion to dismiss (#79) is **DENIED** with respect to the claims against Defendants Julie Smitherman and Kenzie Watkins. In all other respects, the motion to dismiss is **GRANTED**. Defendants Melissa Elliott, Paul Reilley, and Nita Neyland are **DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 27th day of March, 2025.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE